IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CONTEMPT PETITION NO.238 OF 2007

In

NOTICE OF MOTION NO.3729 OF 2006

In

LONG CAUSE SUIT NO.4228 OF 2006

Shri Gajanan Fakir Sanghela : Petitioner

V/s.

T. Chandrashekhar,

The Commissioner, Mumbai Metro

Regional Development Authority & Ors. : Respondents

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Mr.Siddharth Karpe i/b. M/s.YKS Legal for the petitioner.

Ms Kiran Bhagalia for respondent nos.1 to 7.

Mr.A.J.Bhor for respondent no.8.

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CORAM : S.A.BOBDE, J.

DATE : OCTOBER 22, 2007.

P.C.

1. The petitioner's grievance is that the order dated 29.3.2007 passed by the City Civil Court in Suit no.4228 of 2006 has not been complied with. According to the petitioner, the Court had restrained the defendants in that suit from demolishing the suit structure initially on

25.9.2006 and, thereafter, continued the order on 29.3.2007. In spite of that, the respondents are said to have demolished the structure. On going through the record of the case, it is obvious that the Contempt Petition would not be tenable against the present respondents, who are officers of the MMRDA, for the act in question simply because MMRDA was not a party to the aforesaid suit. It could not, therefore, be said to be bound by any order passed in that suit. The fact that MMRDA was not a party nor any of the respondents is a party to the suit is not fairly disputed by the learned counsel for the petitioner.

2. The Contempt Petition is, therefore, dismissed.

S.A. BOBDE, J.